

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CHIMEKA RANDLE

PLAINTIFF

vs.

Civil No. 4:16-cv-04025

TEXARKANA ARKANSAS
HOUSING AUTHORITY, *et al*

DEFENDANTS

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before this Court is Plaintiff's Motion for Entry of a Judgment by Default. ECF No. 17. Defendants have filed responses to this motion. ECF No. 21, 22. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), the Honorable Susan O. Hickey referred this motion to this Court for the purpose of making a report and recommendation. This Court, having reviewed Plaintiff's arguments and briefing, recommends Plaintiff's Motion for Entry of a Judgment by Default (ECF No. 17) be **DENIED**.

1. Background

On March 23, 2016, Plaintiff filed a Complaint against Defendants. ECF No. 1. Defendants were served with the Complaint on May 23, 2016. ECF No. 11, 12. Defendant Texarkana Arkansas Housing Authority filed its Answer on June 9, 2016¹ and Defendant RichSmith Development LLC filed its Answer on June 10, 2016. ECF. No. 14, 15. Plaintiff seeks the entry of a Default based on an argument that Defendants failed to answer the complaint timely. ECF No. 17.

¹ Defendant Texarkana Arkansas Housing Authority noted in their response that upon learning, on June 22, 2016, the Answer had been mailed to an incorrect address, Defendant mailed another copy of the Answer to Plaintiff at the correct address.

2. Discussion

A party has 21 days after being served with the summons and complaint to file an answer. FED. R. CIV. P. 12(a)(1)(i). In this matter, Defendants' Answers were due by June 13, 2016. Both Defendants answered prior to June 13, 2016. Defendants answered in a timely manner.

3. Conclusion

Based upon the foregoing, this Court recommends that Plaintiff's Motion for Entry of Judgment by Default (ECF No. 17) be **DENIED**.

The parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger *de novo* review by the district court. See *Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990).

ENTERED this 5th day of August 2016.

s/ Barry A. Bryant

HON. BARRY A. BRYANT
U. S. MAGISTRATE JUDGE